Delhi High Court's Guidelines for Delhi Police

1371. SHRI B.J. PANDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Delhi High Court has laid down guidelines for police and has asked for their strict implementation to ensure impartial probe in cases of murder, rape etc.;

(b) if so, the details of these guidelines; and

(c) what is the action plan of Government to ensure that these are strictly adhered to by all concerned to control manipulations and padding in criminal cases?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): (a) and (b) The High Court of Delhi *vide* their order dated 2nd November, 2004 in Writ Petition (Criminal) No. 1242/2003 titled Mahender Singh Chhabra Vs. State of N.C.T. of Delhi and others had, *inter alia,* issued the following directions:

In all the complaints/FIRs for the commission of offences of murder under Section 302 IPC, culpable homicide not amounting to murder under Section 304 IPC, death of a woman under suspicious circumstances within seven years of marriage under Section 304-B IPC, offence of rape under Section 376 IPC, and dacoity with murder punishable under Section 396 IPC, the following guidelines shall be followed:

(i) Upon receipt of a complaint or registration of FIR for any of the afore-said offences, immediate steps shall be taken to associate a scientist from Forensic Science Laboratory or some other laboratory or department in the investigations. The Investigating Officer shall conduct investigations on the points suggested by him also under his guidance and advice.

(ii) To ensure that the complainant or victim of crime does not remain in dark about the investigations regarding his complaint/FIR, the complainant or victim shall be kept informed about the progress of investigations. In case the complainant gives anything in writing and requests the Investigating Officer for investigations on any particular aspect of the matter, the same shall be adverted to by the Investigating Officer. Proper entries shall be made by Investigating Officer in case diaries in regard to the steps taken on the basis of the request made by the complainant. The complainant,

however, shall not be entitled to know the confidential matters, if any, the disclosure of which may jeopardize the investigations.

(iii) Whenever the Sub Divisional Magistrate/Magistrate is requested to record a dying declaration, video recording also shall be done with a view to obviate subsequent objections to the genuineness of the dying declaration.

(iv) The investigations for the aforesaid offences shall be personally supervised by the Assistant Commissioner of Police of the area. The concerned Deputy Commissioner of Police shall also undertake fornightly review thereof.

(v) The material prosecution witnesses cited in any of the aforesaid offences shall be ensured safety and protection by the Station House Officer concerned, who shall personally attend to their complaints, if any.

(vi) Orientation be given to the Doctors, who prepare Medico Legal Certificates or conduct post mortems to ensure that the Medico Legal Certificates as well as post mortem reports are up to the mark and stand judicial scrutiny in Courts.

The High Court of Delhi in the aforesaid orders further directed the Government of National Capital Territory of Delhi and the Delhi Police (respondents No. 1 and 2) to ensure that the aforesaid directions are immediately enforced and followed by all concerned.

(c) Government of National Capital Territory of Delhi and Delhi Police is being advised to issue necessary instructions for implementation of these guidelines.

Grants for upgradation of Police Administration

.1372. SHRI JANARDHANA POOJARY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Government supplement and release grants on the recommendations received from the Eleventh Finance Commission (EFC) for upgradation of police administration.

(b) if so, the details of the funds, received from EFC, supplemented by Government and released to the State Governments during the last three years, year-wise and State-wise;